

Read first and second time, and referred to Committee on State Affairs.

Senator Selman introduced a bill making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers of the Eleventh Legislature of the State of Texas. Bill read first time.

Upon motion of Senator Saufley, rule was suspended and bill put on its second reading.

Upon motion of Senator Record, the word "fifty" in fourth line of 1st Section was stricken out, and the word "eighty" substituted therefor.

Bill read second time, and ordered to be engrossed.

Upon motion of Senator McDade, the Senate adjourned until Monday morning, 10 o'clock.

SENATE CHAMBER, }
Aug. 20, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of Friday, the 17th inst., read and adopted.

Senator Littleton presented a petition from citizens of San Patricio county, asking that the State tax may be relinquished to said county.

Petition referred to Finance Committee.

A message from the House of Representatives was received, requesting the Senate to meet the House in joint session to hear the reading of the Governor's Message.

Upon motion of Senator McDade, the Senate took a recess of twenty minutes.

Recess expired. Senate met.

Upon motion of Senator McDade, the Senate proceeded to the House of Representatives, in compliance with request from the same.

Roll called—quorum present.

The message of the Governor was then read to the two Houses in joint session.

Upon motion of Senator Reed, the Senate returned to its Chamber.

Senator Record, Chairman of Joint Committee to examine the law of the United States concerning the election of United States Senators, made the following report :

COMMITTEE ROOM,
City of Austin, Aug. 20, 1866. }

To Hon. Geo. W. Jones, President of the Senate :

SIR : The Joint Committee, appointed by the two Houses of the Legislature, to examine the law of the United States concerning the election of Senators to serve in the Congress of the same, and to report on the same, have the honor to submit the following report :

No copy of the act purporting to be an act regulating the election of Senators in Congress being on record in the Department of the Secretary of State of this State, at the request of your committee, His Excellency the Governor addressed the following telegram to the Secretary of State of the United States :

“Is the act reported requiring election of United States Senators on second Tuesday after organization of Legislature a law ?”

(Signed)

J. W. THROCKMORTON,

Governor of State of Texas.

His Excellency the Governor received in reply thereto the following telegram :

WASHINGTON, Aug. 17, 1866.

To J. W. Throckmorton :

Your telegram of to-day has been received. The act to which it refers has been published. A copy will go to you by this day's post.

W. H. SEWARD.

A copy of the act of Congress, herein referred to, is appended for the information of the Legislature.

As Senatorial terms are formed of complete and regularly succeeding periods of six years each, it has become necessary, in order to ascertain these periods for the Senatorship of Texas, for your committee to refer to the records of the State Department of this State. Your committee find on such reference that the terms of the two last Senators elected in this State expired as follows : The term of Senator Wigfall expired on the 4th March, 1863. The term of Senator Hemphill expired on the 4th March, 1865 ; consequently there exist two vacancies for unexpired terms to be filled, to wit : to fill the term which terminates March 4th, 1869, and to fill the term which expires March 4th, 1871.

In conformity with the requirements of the act of Congress, above cited, and to meet the state of facts presented by your committee, your committee respectfully report the following resolution :

J. K. P. RECORD, Chairman.

Resolved—the House of Representatives concurring—That the two Houses of the Legislature do proceed to-morrow, Tuesday, August 21st, 1866, in their respective Hall, to the election of Senators to fill the vacancies for the unexpired portions of the Senatorial terms, in the order hereinafter stated, terminating respectively March 4th, 1869, and March 4th, 1871, that election take place *viva voce*; that the name of the person who shall receive a majority of the whole number of votes cast in each House, shall be entered on the Journals of each House respectively by the clerk of that House; that the two Houses will meet in joint session on the day following, to wit: on Wednesday, August 22, at 12 o'clock, m., to ascertain the result of the voting. If any person shall receive a majority of all the votes cast, the fact shall be duly declared. If no person shall receive a majority, then the two Houses shall proceed to ballot in joint session at least one ballot, or as many ballots as it shall be the pleasure of the two Houses to have held, until some person shall receive a majority of all the votes cast. If no election shall be made on said 22d day, then the two Houses shall meet daily at 12 o'clock, m., on sitting days, until an election shall be made, polling at least one ballot on each day.

Report received, and resolution adopted.

Senator Neyland, Chairman of Committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, }
Aug. 20, 1866. }

Hon. Geo. W. Jones, President of the Senate:

SIR: The Committee on Engrossed Bills, have examined, and find correctly engrossed, the following bills, viz:

A bill to be entitled "An act to incorporate the Brazos Bridge Company."

A bill to be entitled "An act to incorporate the town of Georgetown, Williamson county."

A bill to be entitled "An act to incorporate the Hempstead Concordia Manufacturing Company."

A bill to be entitled "An act to prohibit the sale of spirituous liquors within three miles of Osage Academy, in the county of Colorado, except for medicinal or sacramental purposes."

A bill to be entitled "An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers of the 11th Legislature of the State of Texas."

W. M. NEYLAND,
Chairman Committee on Engrossed Bills.

Report accepted.

Senator Shannon introduced a bill to repeal an act to prohibit the sale of spirituous liquors within five miles of the town of Waxahachie, Ellis county, except for medical purposes.

Read first and second times and referred to Judiciary Committee.

Senator Shelley introduced a bill supplemental to and amendatory of an act to regulate proceedings in the District Courts, approved May 13, 1846.

Read first and second times and referred to Judiciary Committee.

ORDERS OF THE DAY.

A resolution from the House, asking for a joint committee of the two Houses, to examine the Penitentiary, was taken up with report from Committee on Penitentiary.

On motion of Senator Burney, "three" was stricken out of the resolution and "two" inserted.

On motion of Senator Bumpass, a further consideration of the resolution was postponed until Monday next.

A bill to incorporate the "Brownsville Bridge Company."

Taken up, read second time and ordered to be engrossed.

On motion of Senator Burney, the rule was suspended, and a bill making an appropriation for the per diem pay and mileage of members, and the per diem pay of officers of the present Legislature was taken up.

On motion of Senator Guinn, the words "in U. S. currency" were inserted after dollars.

Bill read third time and passed.

A bill to incorporate the City of Georgetown, in Williamson county, was taken up.

Read third time and passed by two-thirds vote.

A message was received from the House announcing to the Senate that the House concurred in the Senate resolution to go into the election of U. S. Senator to-morrow.

A bill to incorporate the "Hempstead Concordia Manufacturing Company," taken up.

Read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cook, Cooley, Coppedge, Dalrymple, Foscue, Guinn, Knox, Littleton, McDade, Nelson, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarboro—26.

Senator Shannon offered, by leave, the following resolution:

Resolved, That the Committee on Printing be instructed to contract for the printing of two thousand copies of the Governor's message for the use of the Senate.

Senator Cook moved to strike out "two" and insert "one."

Senator Saufley proposed four thousand instead of one thousand.

On motion of Senator Guinn, both proposed amendments were laid on the table.

Senator Cook moved to lay the resolution on the table.

Lost by the following vote:

YEAS—Senators Braswell, Boyd, Bumpass, Cook and Cooley—5.

NAYS—Senators Blount, Brown, Burney, Coppedge, Dalrymple, Foscue, Guinn, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarboro—22.

On motion of Senator Foscue, the resolution was amended by adding, "and accompanying documents."

Adopted.

A bill to incorporate the "Brazos Bridge Company," was taken up.

Read third time and passed by the following two-thirds vote:

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Burney, Cook, Cooley, Coppedge, Dalrymple, Foscue, Knox, Littleton, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Shannon, Shelley, Stell, Truitt and Yarboro—26.

A bill to prohibit the sale of intoxicating liquors within three miles of Osage Academy, in Colorado county, taken up.

Read third time and passed.

Senator Truitt offered the following resolution:

WHEREAS, In the dispensation of an all wise Providence, our teemed companion, brother and friend, the Hon. James W. Guinn, Senator, representing the Third Senatorial District, has been removed by death from among us; therefore,

Be it resolved, That we profoundly feel this, to us, sad dispensation of Providence, the more particularly as the grave and important interests just now to be subserved by our action, require the sagacity of all our wisest men, and from the long experience and cultivated talent of the deceased, we had confidently hoped much assistance in the great work now before us, and upon which we are just entering.

Be it further resolved, That in his death his State has lost an able, experienced and honest servant; his district a faithful representative; his country one of its most useful citizens; the church one of its most exemplary members, and society at large one of its brightest ornaments and proudest stays.

Be it further resolved, That we have in his death been forc-

bly reminded of the uncertainty of life, the certainty of death and the importance of being, as he was, at all times ready for the summons.

Be it further resolved, That we sincerely and deeply sympathize with our bereaved brother, Senator Guinn of Cherokee, and with the orphaned children of the deceased, who are by his death deprived forever of all parental care.

Be it further resolved, That the Senate Chamber be draped in mourning; that the members and officers of the Senate will wear the usual badge of mourning for thirty days; that the Secretary furnish the family of the deceased with a copy of these resolutions, and that the Senate do now adjourn until 10 o'clock, a. m., to-morrow.

SENATE CHAMBER, }
August 21, 1866. }

Senate met pursuant to adjournment. Prayer by the Chaplain. Roll called—quorum present. Journal of yesterday read and adopted.

Senator Foscue moved a reconsideration of the vote, adopting resolution ordering the printing of the Governor's Message and accompanying documents.

Motion carried.

Then to reconsider the vote adopting the amendment, adding the words "and accompanying documents."

Carried.

Senator Foscue then moved to lay amendment on the table.

Carried.

Senator Foscue moved the adoption of the resolution.

Carried.

Senator Foscue moved to refer accompanying documents Committee on Printing.

Carried.

Senator Neyland, Chairman of Committee on Engrossed Bills, reported as follows:

Hon. Geo. W. Jones, President of the Senate:

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled "An Act to incorporate the Brownsville Bridge Company."

W. M. NEYLAND,

Chairman of Committee on Engrossed Bills.

Report accepted.

Senator McDade offered a resolution as follows: